



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 11/10/2022
PRESENT

WEB COPY

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD) . No.13774 of 2022

1. Sekar
2. Senthamarai
3. Sethuraman ... Petitioners/Accused Nos.1 to 3

Vs

The State rep.by
The Inspector of Police,
Keelaselvanoor Police Station,
Ramanathapuram District.
Crime No.28 of 2022.

... Respondent/Complainant

Bharathikannan

... Intervening Petitioner/
Defacto Complainant
In Crl.MP(MD).9731/2022 in
Crl.OP(MD).13774/2022

For Petitioners : M/s.SUSI KUMAR C,
Advocate.

For Respondent : Mr.M.VAIKKAM KARUNANITHI,
Government Advocate (Crl.Side)

For Intervenor : Mr.R.ANAND, Advocate

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

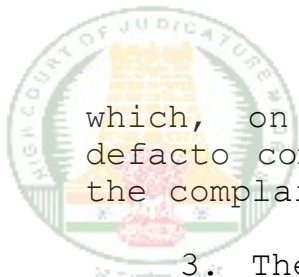
PRAYER :- For Anticipatory Bail in Crime No.28 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused Nos.1 to 3, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323 and 506(i) of IPC, in Crime No.28 of 2022, seek anticipatory bail.

2.The case of the prosecution is that there was a pathway dispute between the defacto complainant and the petitioners, due to

<https://www.mhc.tn.gov.in/judis>



which, on 21.07.2022, the petitioners said to have abused the complainant as a defacto complainant and also assaulted him by using stick. Hence, the complaint.

3. The learned counsel for the petitioners would submit that due to previous dispute, a false case has been foisted against the petitioners and they are innocent and they have not committed any offence as alleged by the prosecution. He would further submit that a case in counter is pending against the defacto complainant.

4. The learned Government Advocate (Crl.Side) would submit that the injured was treated as outpatient and no previous case is pending against the petitioner. He would further submit that a counter case registered against the defacto complainant was closed, since the petitioners have not co-operated for enquiry and the investigation in this case is not yet completed. Hence, he strongly opposed for grant of anticipatory bail to the petitioner.

5. The learned counsel appearing for the intervenor vehemently opposed for grant of anticipatory bail to the petitioner.

6. Considering the facts and circumstances of the case and considering the nature of offence and also the facts that the injured was treated as outpatient and the petitioner is not having any bad antecedents, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

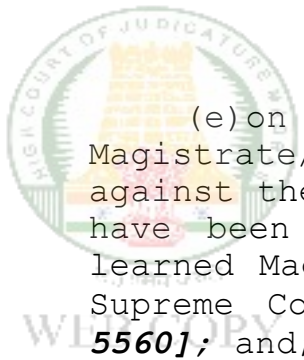
7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Kadaladi, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, with two sureties, each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall report before the respondent police daily at 10.30 a.m., until further orders.

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners shall not abscond either during investigation or trial;



(e) on breach of any of the aforesaid conditions, the Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]**; and;

(f) if the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

11/10/2022

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE,
KADALADI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3 THE INSPECTOR OF POLICE,
KEELASELVANOR POLICE STATION, RAMANATHAPURAM DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.13774 of 2022

Date : 11/10/2022

cp

SA/SBN/SAR.1/14.10.2022/3P/5C